



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE


Applicant: Redmon et al. Confirmation No.: 4621
Serial No.: 10/082,685 Group Art Unit: 1617
Filed: 02/25/2002 Examiner: Travers, Russell S.
Title: LACTOSE-FREE, NON-HYGROSCOPIC AND ANHYDROUS
PHARMACEUTICAL COMPOSITIONS OF
DESCARBOETHOXYLORATADINE

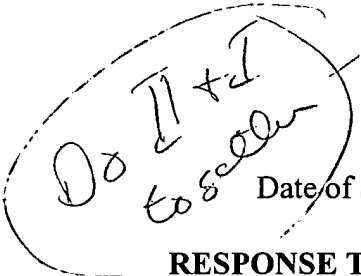
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on September 9, 2003.


Philip E. Hansen
Agent for Applicant
Registration No.: 32,700


Date of Signature: September 9, 2003.

RESPONSE TO RESTRICTION REQUIREMENT UNDER 37 CFR §1.143

Dear Sir:

This is in response to the Restriction Requirement mailed June 9, 2003, which set a one-month period for response. In light of a request for two-month extension and fee therefore, enclosed herewith, response is due September 9, 2003. This response is therefore timely filed.

The action requires election among five groups of claims:

- I. Claims 41-44, 49-50 and 55-56, drawn to controlled release pharmaceutical compositions containing DCL and a lactose-free carrier;
- II. Claims 45, 49, 51, 55 and 57, drawn to controlled release pharmaceutical compositions containing DCL and a lactose-free carrier, in combination with an analgesic or a decongestant;

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III. Claims 46, 49, 52, 55 and 58, drawn to a method for treating histamine mediated disorders by administering controlled release pharmaceutical compositions containing DCL and a lactose-free carrier;

IV. Claims 47, 49, 53, 55 and 59, drawn to a method for treating diabetic retinopathy by administering controlled release pharmaceutical compositions containing DCL and a lactose-free carrier; and

V. Claims 48-49, 54-55 and 60, drawn to treating symptomatic dermographism or dermatitis by administering controlled release pharmaceutical compositions containing DCL and a lactose-free carrier.

Applicant hereby elects Group I with traverse. MPEP §803.02 states that

If the members of the Markush group are sufficiently few in number or so closely related that a search and examination of the entire claim can be made without serious burden, the examiner must examine all the members of the Markush group in the claim on the merits, even though they are directed to independent and distinct inventions. In such a case, the examiner will not follow the procedure described below and will not require restriction.

In the present case, applicants urge that although the claims might be directed to distinct inventions according to the definition of the USPTO, the subject matter is so closely related among them that a single search and examination can be made without serious burden.

Respectfully submitted,



Philip E. Hansen

Registration No. 32,700

September 9, 2003